

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 92-0050

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**APPROVAL OF AMENDMENTS TO LOCAL RULES OF THE  
DISTRICT COURTS OF BEXAR COUNTY**

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**ORDERED:**

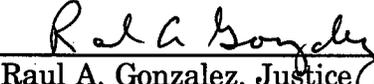
Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the following amendments to local rules, which have been previously approved by the presiding judge of the appropriate administrative judicial region and submitted to this Court:

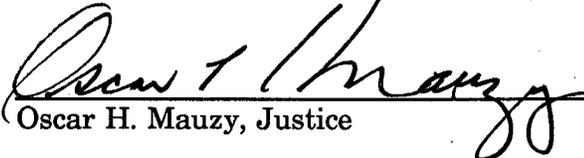
Amendments to the Local Rules of the District Courts of Bexar County adopted by the district judges of Bexar County January 17, 1992.

The approval of this amendments is temporary, pending further orders of the Court.

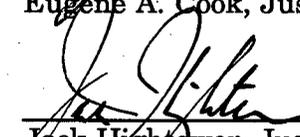
SIGNED AND ENTERED this 25th day of February, 1992.

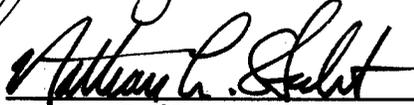
  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice

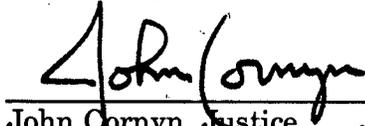
  
Oscar H. Mauzy, Justice

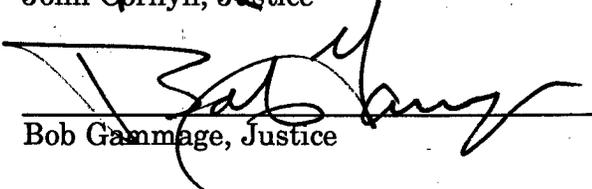
  
Eugene A. Cook, Justice

  
Jack Hightower, Justice

  
Nathan L. Hecht, Justice

  
Lloyd Doggett, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

**CERTIFICATE OF APPROVAL**

As presiding judge of the administrative judicial region covering the affected county, I approve the Amendments to the Local Rules of the District Courts of Bexar County adopted by the district judges of Bexar County on January 17, 1992.

  
\_\_\_\_\_  
(Signature)

1-31-92  
\_\_\_\_\_  
(Date)



DISTRICT COURT  
187TH JUDICIAL DISTRICT OF TEXAS  
BEXAR COUNTY JUSTICE CENTER  
300 DOLOROSA  
SUITE 2129  
SAN ANTONIO, TEXAS 78205-3015

January 24, 1992

PAT PRIEST, JUDGE

Hon. Ray Judice, Executive Director  
The Supreme Court of Texas  
Post Office Box 12248, Capitol Station  
Austin, Texas 78711

Re: Proposed Amendments to the Local Rules of the District  
Courts of Bexar County

Dear Mr. Judice:

In accordance with Rule 3a of the Rules of Civil Procedure, the District Judges of Bexar County, at a meeting held January 17, 1992, voted to amend the local rules of such courts as reflected by the enclosures, subject, of course, to the approval of the Supreme Court of Texas.

In brief, one set of amendments (§§5.50-5.57), simply remove any reference to the 150th District Court (a Court legislatively designated as primarily civil) in the rules regarding our Federally-funded Drug Impact Court; we found the reference was confusing, and caused mail, telephone calls and Fax machine transmittals to be routed improperly.

The other set of amendments (§§6.9 and 6.10) basically reflect the abolition of the staff position of Chief Court Administrator, create the position of Civil Courts Administrator, and amend the supporting staff description to conform to these changes. These changes reflect the reality of the function heretofore assigned the office of Chief Court Administrator.

Notice of these proposed changes in accordance with Rule of Civil Procedure 3a(4) is being given to the attorneys practicing before these courts contemporaneously with this letter.

Please advise if additional information is required. Otherwise, we shall await notification by the Court as to whether these changes are approved.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pat Priest".

Pat Priest, Local Administrative Judge, 1992-1993

EXISTING RULES

**J. RULES OF PROCEDURE AND PERSONNEL RULES FOR THOSE EMPLOYEES  
HANDLING THE CRIMINAL DOCKET FOR THE 150TH DISTRICT COURT OF  
BEXAR COUNTY**

The District Court Judges of Bexar County giving preference to Criminal matters adopt the following Rules of Procedure and Personnel Rules for those employees handling the Criminal docket for the 150th District Court of Bexar County, also know as the Special Drug Impact Court.

The purpose of these rules is to promote uniform administration of justice in the handling of the Criminal Docket of the Court and to establish standards of conduct for its personnel.

Nothing in these rules shall be construed in a manner which is inconsistent with the Texas Rules of Civil Procedure, the Texas Code of Criminal procedure, the Texas Rules of Appellate Procedure, the Court Administration Act of Rules of Practice Procedures and Administration in the District and Statutory Courts-at-Law, Bexar County, Texas ("Local Rules").

## **General Considerations - Statement of Agreement**

5.50 In order to promote the expeditious handling of the Criminal docket of the 150th District Court, the Judges of the Bexar County District Courts handling Criminal cases, (hereinafter "Criminal District Judges"), the District Clerk of Bexar County and the Bexar County Sheriff, in mutual cooperation, asked the County Judge and Commissioners Court to fund six specific positions; a Court Reporter, a Court Coordinator, two Criminal clerks, and two Criminal bailiffs.

The County Judge and Commissioners Court, to promote the efficient handling of the Criminal Docket of said court, acceded to the request of the Judges, the District clerk and the Sheriff and funded such positions, in part with funds from a grant and in part from general revenues.

The Criminal District Judges have overall supervision of the efficient handling of the Criminal docket of the Court, and specific supervisory authority over the Court Reporter and Court Coordinator. The criminal clerks are the employees of (and therefore likewise subject to the direction and supervision of) the District Clerk. The criminal bailiffs are the employees of (and therefore likewise subject to the directions and supervision of) the Sheriff.

As with any Court, the efficient operation of the Criminal docket of the 150th District Court is absolutely dependent upon teamwork of and spirit of cooperation among the Court staff. These rules are promulgated, therefore, to promote harmony and efficiency in the operation of the Court.

### **Judicial Functions of the Court**

5.51 All purely judicial functions (as distinguished from administrative functions) of the judge of the court, with respect to criminal cases, will belong to and be exercised exclusively by the particular active, retired or former judge who may be presiding over the criminal docket of said court at the time such function is or ought to be performed.

### **Administrative Functions of the Court**

5.52 All administrative functions of the judge of the Court, relating to criminal cases, will belong to and be exercised exclusively by the Criminal District Judges.

More particularly, the immediate, day-to-day administrative functions of the judge of the court, relating to criminal cases, will belong to and be exercised exclusively by that Criminal District Judge who currently has a Grand Jury in session, but who is not the Presiding Criminal Judge. Administrative functions of the judge of the court, relating to criminal cases, are not limited to but do include the following:

- a) The transfer of cases to and from the criminal docket of the 150th District Court.
- b) The appointment and compensation of court appointed counsel handling cases before the 150th District Court.
- c) Requests for personal bond and motions to increase or decrease bond on cases pending before the 150th District Court.
- d) Requests for supplies or equipment for the employees involved with the criminal docket of the 150th District Court.
- e) Request to the County Auditor for payments, of whatsoever kind, for matters relating to the criminal docket of the 150th District Court.
- f) Orders such as cash bond refunds, motions for destruction of property and violation reports from the Probation Department.

#### **The Court Reporter**

5.53 The Court Reporter for the criminal docket of the 150th District court has all the duties and responsibilities of the official reporter of any District Court of the County. Said reporter shall file with the Administrator of the Criminal District Courts of Bexar County a copy of all reports regarding the status of all records pending completion which may be filed with the Clerk of the Fourth court of Appeals. Said reporter will schedule vacations through the office of the Local Administrative Judge and will advise the Court Coordinator for the criminal docket of the 150th District Court of any inability to report to work by reason of illness or

emergency. For any administrative needs not otherwise dealt with herein, said reporter shall contact the District Judge with current administrative responsibility for the criminal docket of the 150th District Court. Said reporter shall be subject to the control of the judge exercising the judicial functions of the court as to all matters of official duty.

### **The Court Coordinator**

5.54 The Coordinator's primary responsibility is to facilitate the handling of the criminal docket of the Court by the judge exercising the judicial functions of the court and to facilitate the handling of administrative matters by the Criminal District Judges, generally, and by the single judge with current administrative responsibility regarding matters related to the criminal docket of the Court.

Particular duties are not limited to, but do include:

- a) Advising the bailiff as to the identity of prisoners needed in court, the offense committed, the case number, the system identification number (SID) of the prisoner, and the time and date when the prisoner is needed. The prisoner should be dressed for any trial or hearing, but may be in jail clothing for a docket call, so the bailiff should be notified of the nature of the appearance in court.
- b) Advising the clerk as to when each case on the docket is set, and for what purpose. (i.e., plea, trial, etc.)
- c) Supplementing weekly dockets by writing in other pending cases (misdemeanors and motions to revoke) and telephone numbers for attorneys and making a copy of the supplemented docket available as early as possible to the clerk and the prosecutors assigned to the Court.
- d) Monitoring the jail list to make certain nobody gets lost in jail.
- e) Receiving and routing correspondence to the Court.

- f) Verifying counsel's identity or seeing to it that counsel is retained or appointed in every case on the docket of the Court.
- g) Assisting in answering telephones calls to the Court.
- h) Monitoring those cases in which pleas have been entered, applications for probation have been filed, and presentence investigation reports have been ordered, to insure that there is not an inappropriate interval before the matter is set for determination.
- i) Notifying the State and defense counsel to appear when appropriate for trials, hearings, etc.
- j) Monitoring appeals, to insure that there is an appellate lawyer for the defendant/appellant who is actually functioning.
- k) Monitoring all motions for psychiatric evaluation (competency and insanity), and seeing to it that the county psychiatrist has the indictment and an offense report.
- l) Scheduling the Coordinator's vacation and advising of any inability to report to work by reason of illness or emergency through the office of the Administrator of the Criminal District Courts of Bexar County.
- m) Assisting the judge with administrative responsibility for the Court in carrying out the judge's duty to compensate court-appointed counsel by receiving attorney affidavits, verifying their accuracy as to dates, times and the like, and presenting the affidavits to the judge for signature.
- n) Assisting attorneys and the general public in obtaining case status information.

### **The Criminal Clerks**

5.55 The functions of the clerks basically revolve around keeping the records of the Court and issuing process of the Court. In particular, the duties of the clerks are not limited to but do include:

- a) Maintaining custody of the files of the court in a manner consistent with easy access to the files and the information contained therein. While this duty does make the clerk the custodian of all files, it does not mandate that the files be in the actual physical possession of the clerk, if the efficient operation of the Court necessitates possession of the file by either the Court Reporter or the Court Coordinator. However, under no circumstances should the file leave the Justice Center or Courthouse.
- b) Maintaining the files in a neat and orderly manner, so that information may be easily gleaned from the file.
- c) Noting on the outside of each file each action of the Court with respect to such file.
- d) Promptly and accurately recording on the criminal justice information computer the actions of the Court with respect to all cases.
- e) Maintaining accurate and up-to-date minutes of the Court.
- f) Preparing accurate judgments and commitment papers (where appropriate) in a timely fashion. While the preparation of judgments is not inherently the responsibility of the clerk, the necessity for the prompt entry of accurate judgments has brought about the long-standing practice in this (and many another) county of relying upon the Clerk of the court to perform this function.
- g) The issuance of such process (other than subpoenas, which are handled by the subpoena section of the Criminal Division of the District Clerk's office) of the Court as any judge thereof may order. This includes arrest warrants of every kind and description, bench warrants, attachments ordered by the Court, precepts, capias pro fines, and the like.
- h) Bringing to the attention of the judge any written motion on which the judge shall have ruled, but as to which rulings the judge shall have failed to make any written notation.
- i) Assisting in answering telephone calls to the Court.

- j) Providing each probationer with a copy of his or her probationary conditions and certifying to having done so.
- k) Responding as may be directed by the Court, to requests from prisoners and others for information, additional credit for time spent in custody, and the like.
- l) Preparing and forwarding Notice of Appeal to the Fourth Court of Appeals, in accordance with law.
- m) Figuring court costs and preparing appropriate documents related to court costs.

### **The Bailiff**

5.56 The primary responsibilities of the bailiffs are the security of the judge, staff, jurors, attorneys and members of the public in and around the Court and the timely, humane and efficient transportation of prisoners to and from the Court.

Specific duties are not limited to but do include:

- a) Maintaining a dignified atmosphere in and around the courtroom.
- b) Having prisoners in court when they need to be, dressed appropriately.
- c) Assuring adequate security at all times, so that prisoners are never left unattended or allowed to mingle inappropriately with spectators.
- d) Timely calling the names of those who fail to appear at the Courthouse door and filing appropriate written evidence thereof with the Clerk for filing.
- e) Maintaining the integrity of the jury deliberation process, including the security of the jury and the exhibits in the jury room.
- f) Directing all inquiries or other communications regarding docketing of cases, announcements, and the like to the Court Coordinator.

5.57 Staff Members are encouraged to work together in a spirit of mutual cooperation and harmony. In the event staff members are unable to agree on a particular matter, then the issue whatever it may be will be submitted to the judge exercising current administrative responsibility for the Court.

## PROPOSED RULES

### J. RULES OF PROCEDURE AND PERSONNEL RULES FOR THOSE EMPLOYEES HANDLING THE CRIMINAL DOCKET FOR THE SPECIAL IMPACT DRUG COURT OF BEXAR COUNTY

The District Court Judges of Bexar County giving preference to Criminal Matters adopt the following Rules of Procedure and Personnel Rules for those employees handling the Criminal Docket for the Special Impact Drug Court of Bexar County.

The purpose of these rules is to promote uniform administration of justice in the handling of the Criminal Docket of the Court and to establish standards of conduct for its personnel.

Nothing in these rules shall be construed in a manner which is inconsistent with the Texas Rules of Civil Procedure, the Texas Code of Criminal Procedure, the Texas Rules of Appellate Procedure, the Court Administration Act of Rules of Practice Procedures and Administration in the District and Statutory Courts-At-Law. Bexar County, Texas ("Local Rules").

#### General Considerations - Statement of Agreement

5.50 In order to promote the expeditious handling of the Criminal docket of the Special Impact Drug Court, the Judges of the Bexar County District Courts handling criminal cases, (hereinafter "Criminal District Judges"), the District Clerk of Bexar County and the Bexar County Sheriff, in mutual cooperation, asked the County Judge and Commissioners Court to fund six specific positions; a Court Reporter, a Court Coordinator, two Criminal clerks, and two Criminal bailiffs.

The County Judge and Commissioners Court, to promote the efficient handling of the Criminal Docket of said court, acceded to the request of the Judges, the District clerk and the Sheriff and funded such positions, in part with funds from a grant and in part from general revenues.

The Criminal District Judges have overall supervision of the efficient handling of the Criminal docket of the Court, and specific supervisory authority over the Court Reporter and Court Coordinator. The criminal clerks are the employees of (and therefore likewise subject to the direction and supervision of) the District Clerk. The criminal bailiffs are the employees of (and therefore likewise subject to the directions and supervision of) the Sheriff.

As with any Court, the efficient operation of the Criminal docket of the Special Impact Drug Court is absolutely dependent upon teamwork of and spirit of cooperation among the Court staff. These rules are promulgated, therefore, to

promote harmony and efficiency in the operation of the Court.

### Judicial Functions of the Court

5.51 All purely judicial functions (as distinguished from administrative functions) of the judge of the court, with respect to criminal cases, will belong to and be exercised exclusively by the particular active, retired or former judge who may be presiding over the criminal docket of said court at the time such function is or ought to be performed.

### Administrative Functions of the Court

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- d) Requests for supplies or equipment for the employees involved with the criminal docket of the Special Impact Drug Court.
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- f) Orders such as cash bond refunds, motions for destruction of property and violation reports form [sic] the Probation Department.

### The Court Reporter

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Criminal District Courts of Bexar County a copy of all reports regarding the status of all records pending completion which may be filed with the Clerk of the Fourth Court of Appeals. Said reporter will schedule vacations through the office of the Local Administrative Judge and will advise the Court Coordinator for the criminal docket of the Special Impact Drug Court of any inability to report to work by reason of illness or emergency. For any administrative needs not otherwise dealt with herein, said reporter shall contact the District Judge with current administrative responsibility for the criminal docket of the Special Impact Drug Court. Said reporter shall be subject to the control of the judge exercising the judicial functions of the court as to all matters of official duty.

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that information may be easily gleaned from the file.

- c) Noting on the outside of each file each action of the Court with respect to such file.
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- e) Maintaining the integrity of the jury deliberation process, including the security of the jury and the exhibits in the jury room.
- f) Directing all inquiries or other communications regarding docketing of cases, announcements, and the like to the Court Coordinator.

5.57 Staff Members are encouraged to work together in a spirit of mutual cooperation and harmony. In the event staff members are unable to agree on a particular matter, then the issue whatever it may be will be submitted to the judge exercising current administrative responsibility for the Court.

#### EXISTING RULES

- 6.9 The Chief Court Administrator will be hired by and serve at the pleasure of the Administrative Judge for a term of two years but is subject to dismissal for cause by a majority of the District Judges. The Chief Court Administrator shall work under the direct supervision of the Administrative Judge. The Chief Court Administrator will monitor and furnish administrative support to the Administrative Judge and the District Courts. The Chief Court Administrator will also supervise the Additional Official (Swing) Court Reporters and the Court Interpreters.
- 6.10 There is an Executive Secretary to the Administrative Judge who will provide secretarial and clerical support for the Administrative Judge and the Chief Court Administrator.

#### PROPOSED RULES

- 6.9 There is a Civil District Court Administrator whose qualifications shall be determined by the Civil District Court Judges. The Administrator shall be concerned with the case flow, personnel management planning and research, budget drafting and all other administrative and managerial non-judicial business of the courts. The Civil District Court Administrator shall have a staff of supporting personnel including, but not limited to, persons to prepare jury charges, the additional official (swing) court reporters, and such other and additional non-judicial personnel as may be required for the efficient operation of the civil district courts and to provide necessary clerical support to the Local Administrative Judge. The Administrator and staff are appointed by and serve at the pleasure of the Judges of the Civil District Courts.
- 6.10 There shall be an executive secretary among the persons supervised by the Civil District Courts Administrator, whose primary duty shall be to provide clerical assistance to the Local Administrative Judge, but who shall perform such duties as may be assigned by the Civil District Courts Administrator when not busy with matters for the Administrative Judge.